

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

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	:	
In re:	:	INVOLUNTARY CHAPTER 7
	:	
HERMITAGE INN REAL ESTATE	:	
HOLDING COMPANY, LLC	:	CASE NO. 19-10214 (CAB)
	:	
Putative Debtor	:	
	X	

JOINT RULE 9014(e) NOTICE OF EVIDENTIARY HEARING

1. A hearing is scheduled for 2:15 p.m. on June 11, 2019 at the United States Bankruptcy Court, District of Vermont (Rutland), 151 West Street, Rutland, Vermont 05701 regarding (i) Petitioning Creditors' Motion for Order Transferring Venue (ECF No. 28); (ii) Barnstormer Summit Lift LLC's Memorandum in Support of Transferring Venue of the Connecticut Bankruptcy Cases to Vermont (ECF No. 32); and (iii) the Putative Debtor's Motion for Order Transferring Venue (ECF No. 62). The Putative Debtor has confirmed with the courtroom deputy that this hearing has been scheduled as an evidentiary hearing.
2. As set forth in the Court's May 31, 2019 Scheduling Order, the Court has set aside time commencing June 11, 2019 at 2:15 p.m. and continuing on June 12, 2019 at 9:30 a.m., and if necessary, June 13, 2019 at 9:30 a.m. for this evidentiary hearing.
3. Petitioning Creditors, Barnstormer Summit Lift LLC, and the Putative Debtor (the "Movants") have conferred regarding the time they believe necessary for presentation of their witnesses and/or cross-examination of witnesses, at this evidentiary hearing. The Movants have also conferred and agreed that they will seek approval of the Court at the commencement of the hearing to allow counsel for interested parties that will not be participating in the presentation of evidence to make brief statements of their position and indicate that they will not be participating in the presentation of evidence.
4. The Movants intend to call the following witnesses and expect each will testify on direct examination for the following amounts of time:¹

Party	Witness	Time Allotment
Petitioning Creditors	Dan Solaz, Petitioning Creditor	60 minutes
Petitioning Creditors	Timothy Treanor, Creditor	30 minutes
Barnstormer Summit Lift, LLC	Timothy Treanor, Creditor	15 minutes
Putative Debtor	Chad Bullock, Finance Director	60 minutes
Putative Debtor	James Barnes, Manager	75 minutes

¹ If the list of intended witnesses changes, a supplemental Rule 9014(e) Notice of Evidentiary Hearing shall be filed promptly and notice served at least three (3) business days prior to the date set for the evidentiary hearing. See Vt. LBR 9014-1(b)(3). Given the time periods set for this Hearing, in the event the witness list is supplemented prior to hearing and the parties cannot comply with that full notice period, the parties will attempt in good faith to agree on such additional witnesses and timely advise the Court.

Party	Witness	Time Allotment
Putative Debtor	Dan McLeod, Creditor	15 minutes
Putative Debtor	Nick Lombardi, Creditor	15 minutes
Putative Debtor	Mike Riccio, Creditor	15 minutes

Petitioning Creditors and/or Barnstormer Summit Lift, LLC may call James Barnes in their direct case.

In the event that the Ad Hoc Committee of Members is permitted to Intervene, they reserve the right to present evidence and argument and may call any of the above witnesses in their direct case.

5. If you dispute the need for, or the scope of, the hearing described in this Notice, **you must**
- (a) file a written opposition with the Clerk of the Court on or before 4:00 P.M. on [date (*the response deadline must be no later than three (3) business days before the hearing*)] and
 - (b) serve a copy of that opposition on the Requesting Party, the debtor, the debtor's counsel, the U.S. trustee, the case trustee, if any, and in a chapter 11 case, the creditors' committee and its counsel or if no committee is appointed, then upon the 20 largest unsecured creditors, by the response deadline.

Dated: June 6, 2019
New Haven, Connecticut

PUTATIVE DEBTOR,
HERMITAGE INN REAL ESTATE HOLDING
COMPANY, LLC

By: /s/Douglas S. Skalka
Douglas S. Skalka
NEUBERT, PEPE & MONTEITH, P.C.
195 Church Street
New Haven, Connecticut 06510
(203) 821-2000
dskalka@npmlaw.com

and

Thomas P. Simon, Esq.
McCormick, Fitzpatrick,
Kasper & Burchard, P.C.
40 George Street
Burlington, Vermont 05401
(802) 863-3494
tps@mc-fitz.com

Dated: June 6, 2019
Rutland, Vermont

PETITIONING CREDITORS,
BOBBI RESEK, DAN SOLAZ,
and LAKELAND BANK

By: /s/Jess T. Schwidde
Jess T. Schwidde
Glinka & Schwidde
P.O. Box 28
77 Grove Street, Suite 106
Rutland, VT 05702-0028
(802) 779-0219
jtsesq@vtbankruptcylaw.com

Dated: June 6, 2019
Battleboro, Vermont

CREDITOR,
BARNSTORMER SUMMIT LIFT, LLC

By: /s/David N. Dunn
David N. Dunn
Phillips, Dunn, Shriver & Carroll, P.C.
147 Western Avenue
Brattleboro, VT 05301
(802) 257-7244
ddunn@pdsclaw.com

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

_____	:	X
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In re:	:	INVOLUNTARY CHAPTER 7
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HERMITAGE INN REAL ESTATE	:	
HOLDING COMPANY, LLC	:	CASE NO. 19-10214 (CAB)
	:	
Alleged Debtor	:	
_____	:	X

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 6, 2019, the foregoing Joint Rule 9014(e) Notice of Evidentiary Hearing was electronically filed. Notice of this filing was sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's system.

Dated: June 6, 2019
Burlington, Vermont

ALLEGED DEBTOR,
HERMITAGE INN REAL ESTATE
HOLDING COMPANY, LLC

By: /s/Douglas S. Skalka
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